

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR.

Appeal against Order No. 120 of 2007

[Smt. Shewantibai J. Sawarkar & two ors. Vs. P.C. Rewatkar & five others]

Office Notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's orders

Mr. M.N. Ingley, Advocate for the Appellants.

CORAM : A.H. JOSHI, J.

DATE : 07th December, 2007.

1. Heard.
2. The appellants have challenged the order dated 15th June, 2007 passed below Exh.5 in Special Civil Suit No. 535 of 2007.
3. According to the plaintiffs, the covenant of relinquishment incorporated in the Partition-Deed, which is a registered document, was obtained by misrepresentation and fraud etc.
4. The Trial Court found that the plaintiffs' plea cannot be accepted on what appears prima facie, and is represented in a document duly written and registered. The Trial Court found that the defendants are in

possession.

5. Trial Court also found that the aspects of balance of convenience and irreparable loss did not favour the plaintiffs.

6. The findings recorded by the learned Trial Court are not shown to be erroneous or illegal. No material is placed on record or shown in the appeal to demonstrate that the impugned order suffers from any irregularity or illegality.

7. Just because the plaintiffs have suffered an order and they do not like it, it cannot be set aside.

8. The appeal deserves no interference. It is, therefore, dismissed.

Judge

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